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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/780,053      | 02/17/2004  | Chih-Sheng Wei       | 10113771            | 9680             |

34283 7590 05/02/2006

QUINTERO LAW OFFICE  
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SANTA MONICA, CA 90404

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| EXAMINER |
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KLIMOWICZ, WILLIAM JOSEPH

|          |              |
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| ART UNIT | PAPER NUMBER |
|----------|--------------|

2627

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |   |  |  |
|------------------------------|---|--|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/780,053    | <b>Applicant(s)</b><br>WEI, CHIH-SHENG |  |
|                              | <b>Examiner</b><br>William J. Klimowicz | <b>Art Unit</b><br>2627                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Claims Status***

Claims 1-7 are currently pending.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Wu (US 6,125,097).

As per claim 1, Wu (US 6,125,097) discloses an optical disc drive (100), comprising: a main body (20) having a first center of gravity; a motor (21) disposed on the main body (20); a vibration absorber (10) (absorbs vibration and supports main body (20) via bolts (40) and dampers (31)), disposed on the main body (20), having a second center of gravity; and a balance plate (50) disposed on the vibration absorber (10), whereby the second center of gravity of the vibration absorber (10) is “substantially” close to the first center of gravity of the main

body (10). That is, the base frame (10) has a center of gravity located some location at least within its confines. Additionally, the balance plate (50) offsets the weight of the heavy spindle motor to shift the center of mass, and hence center of gravity, toward an interior of chassis (20).

The word “substantially” has more than one distinct connotation, but one accepted meaning is “being largely but not wholly that which is specified.” Webster’s Ninth New Collegiate Dictionary, 1990. As such, “substantially” often finds use as a broadening term in claim drafting. Applicant does not point to anything in the specification that the invention requires that the second center of gravity of the vibration absorber is be within a specific range, or location, relative to the first center of gravity of the main body.

The Examiner therefore considers the scope of Claim 1, with respect to the recitations “whereby the second center of gravity of the vibration absorber (10) is *substantially*” close to the first center of gravity of the main body,” to include structures as shown in Figures 1-5 of Wu (US 6,125,097). Claims are to be given their broadest reasonable interpretation during prosecution. See *In re Morris*, 127 F.3d 1048, 1054, 44 USPQ2d 1023, 1027 (Fed. Cir. 1997); *In re Zletz*, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989); *In re Prater*, 415 F.2d 1393, 1404, 162 USPQ 541, 550 (CCPA 1969).

As per claim 2, wherein the vibration absorber (10) is a frame having a first side (e.g., “top” side) adjacent to the motor (21), with the balance plate (50) disposed on the first side (“top” side).

As per claim 3, wherein the vibration absorber (10) further comprises: a plurality of screws (40) for fixing the vibration absorber (10) to the main body (20); and a plurality of resilient members (31) disposed between the plurality of screws (40) and the main body (20).

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As per claim 4, wherein the plurality of screws (40) is screwed more tightly *when* disposed closer to the first side. This is a conditional recitation, for which there is no positive limitation; additionally as being conditional, it is a limitation that may never occur or be required.

As per claim 5, wherein the coefficients of elasticity of the plurality of resilient members (31) increase *when* the plurality of resilient members (31) is disposed closer to the first side. This is a conditional recitation, for which there is no positive limitation; additionally as being conditional, it is a limitation that may never occur or be required.

Moreover, pertaining to claims 4 and 5, it has been held that claim language reciting intended uses, capabilities and structure which result upon the performance of future acts is not a positive structural limitation on the claim; the intended use or future act as recited in the claim does not necessitate the necessary structural cooperative relationship of claimed essential elements or the necessary connections. See *In re Collier*, 397 F.2d 1003, 158 USPQ 266 (CCPA 1968).

As per claim 6, wherein the resilient members (31) are springs. That is, the rubber pads are elastic material that regains its original shape after being compressed or extended.

As per claim 7, wherein the resilient members (31) are rubber pads.

### *Conclusion*

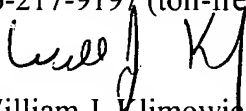
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Klimowicz whose telephone number is (571) 272-7577. The examiner can normally be reached on Monday-Thursday (6:30AM-5:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Thi Nguyen can be reached on (571) 272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
William J. Klimowicz  
Primary Examiner  
Art Unit 2627

WJK